

MONTANA STATE PLAN & POLICY MANUAL

CHAPTER 5

Policy Number 5.1
Eligibility Guidelines
Revised/Effective Date: October 1, 2012

Title: Eligibility Guidelines

Purpose

To ensure Local Agencies apply current eligibility requirements to all WIC applicants.

Authority

State Policy; 7 CFR 246.7; PL 103-448; USDA Policy MPSF-1: WC-95-34-P; ARM 46.10.321; ARM 46.12.3401; 42 CFR 435.301; Americans with Disabilities Act

Policy

The applicant must meet categorical, identity, residency, financial and nutritional eligibility criteria.

I. Categorical Eligibility

A. Women

1. During pregnancy and up to six weeks following termination of pregnancy.
2. Breastfeeding up to the end of the month of their infant's first birthday.
3. Non-breastfeeding postpartum women, regardless of how the pregnancy ended, up to the end of the month of 6 months postpartum.

B. Infants up to the end of the month of their first birthday.

C. Children up to the end of the month of their fifth birthday.

II. Dates of Contact

A. Pregnant women will be notified of their eligibility status within 10 days of the date of the first request for program benefits.

1. Local WIC clinics may receive extension of the notification period to a maximum of 15 days upon written request to the State WIC Office.
 - a. Request will include a justification.
2. Each local agency will attempt to contact each pregnant woman who misses her first appointment to apply for participation in the program in order to reschedule the appointment.

B. Migrant farm workers will be notified of their eligibility status within 10 days of the date of the first request for program benefits.

1. Local WIC clinics may receive extension of the notification period to a maximum of 15 days upon written request to the State WIC Office.
 - a. Request will include a justification.

C. All other applicant's will be notified within 20 days.

III. Identification

- A. Identity will be documented and scanned for each applicant at initial certification.
- B. Identity will be reviewed at all visits.
 1. Visual personal recognition by WIC staff at benefit issuance or sub-certifications may be allowed once initial proof of identity has been documented.
- C. Identity for authorized representatives/proxies will be documented and scanned at the time of benefit pick up.
- D. Proof of identity only needs to be rescanned if a participant or authorized representative/proxy's name has changed.
 1. Documents to be used for identification include:
 - a. Driver's License
 - b. Birth Certificate
 - c. Passport
 - d. Green Card
 - e. Social Security Card
 - f. Social Services Card (HMK Plus, SNAP or TANF)
 - g. Tribal ID Card or Tribal Enrollment Letter
 - h. Crib Card (May be used as temporary identification for one month until birth certificate or social security card has been received by participant).
 - i. Immunization Card
 - j. School or work ID Card
 - k. Pay Stubs
 - l. Voter Registration Card
 - m. Health Benefits (Insurance Card)

- E. If the applicant has the required documentation but fails to bring it, the applicant should not be provided services but asked to return with the required information.
- F. An applicant with no proof of identity, such as a victim of theft, loss, or disaster; a homeless individual, a migrant worker or a person holding a VOC card will sign a copy of the Montana WIC Program [Proof of Residency/Identity Form](#). Scan the form into the participant's folder and issue one month of benefits.
 - 1. At each subsequent appointment attempt to obtain proof of identity from the participant and document follow-up as needed.

IV. Residency

A. Geographic Area

- 1. Applicants applying for Montana WIC will live in Montana and receive services in the region in which they reside with the following exceptions:
 - a. In the case of Reservations or regions overlapping, participants may choose the location for their WIC services.
 - b. In the event a participant resides in one Montana WIC Program region and works or receives their healthcare in another, the participants may choose to receive WIC services in either location under the following conditions:
 - 1. The local WIC clinic in the chosen Montana WIC region has a slot available and agrees to serve them.
 - 2. If local WIC clinics have been instructed to implement waiting lists, participants will receive WIC services in the Montana WIC region in which they reside.
 - c. In the event a participant resides in another State served by that State's WIC Program and works or receives their healthcare in Montana or whose location is physically nearer to WIC services in Montana the participant may choose to receive WIC services in either location under the following conditions:
 - 1. If the local Montana WIC clinic chosen has a slot available and agrees to serve them.
 - 2. If the local Montana WIC clinic has been instructed to implement waiting lists, participants will receive WIC services in the State in which they reside.
 - 3. Justification will be documented in the participant's folder.

B. Residency Documentation

1. Residency will be documented and scanned in the applicant's/participant's folder at initial certification. Proof of residency will show the physical address where the applicant currently lives/resides and will match the physical address listed in the applicant's/participant's folder.
2. Proof of residency needs to be re-verified/rescanned only if participant's physical address has changed.
 - a. Delete previously scanned residency documentation.
3. Documentation of residency will be a:
 - a. Recent pay stub
 - b. Recent bank statement
 - c. Recent credit card statement
 - d. Utility bill – which includes any service connected to the applicant's/participant's physical address.

Examples include: cable bill, landline phone bill, propane gas bill, energy bill, water bill, garbage bill, internet bill, etc.

1. The service address of the bill must be scanned into the folder.
- e. Monthly rent payment receipt
 - f. Landlord statement/rental agreement
 - g. Mortgage statement
 - h. Document from the County/City Address Coordinator or other authorized designee
 - i. If none of the above can be obtained a 3rd party verifier may be used.
 1. A 3rd party verifier is defined as a note from a reliable source who can verify where an applicant/participant lives who is not a WIC staff member.
- C. If the applicant has the required documentation but fails to bring it, the applicant should not be provided services but asked to return with the required information.
- D. An applicant with no proof of residency, such as a victim of theft, loss, or disaster, a homeless individual, a migrant worker, or a person holding a VOC card will sign a copy of the Montana WIC Program [Proof of Residency/Identity Form](#). Scan the form into the participant's folder and issue one month of benefits.

MONTANA STATE PLAN & POLICY MANUAL
CHAPTER 5

1. At each subsequent appointment follow-up is required on the participant's residency situation. Document follow-up in the participant's folder.
 - a. The Proof of Residency/Identity Form can be used for more than one month if the homeless or migrant participant is in a semi-permanent living situation.
 - b. Benefits can be issued for more than one month if applicable.

Special Residency Circumstances:

Military: No special circumstance.

Migrant Worker:

- A fixed address is not an eligibility criterion for participating in the Montana WIC Program.
- The migrant's place of employment can be used as a physical address.
- The local WIC clinic's address can be used for physical address if no other information is available.

Homeless/Institutions:

- A homeless individual is defined as a man, woman, infant or child lacking a fixed and regular nighttime residence, staying in a temporary shelter, temporarily living with others in their residence (not to exceed 365 days) or staying in a place not designated as a regular sleeping accommodation.
- A fixed address is not an eligibility criterion for participating in the Montana WIC Program
- The local WIC clinic's address can be used for physical address if no other information is available.
- Homelessness or an institution living condition includes:
 - A public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for human beings.
 - Temporary accommodation in the residence.
 - A facility that provides temporary residence for individuals intended to be institutionalized.
 - A supervised publicly or privately operated shelter (including a welfare hotel, congregate shelter, or shelter for victims of domestic violence) designed to provide temporary living accommodations.
- In order for residents in a Montana WIC approved homeless shelter or institution to qualify for WIC benefits the facility will comply with the following conditions:
 - The facility does not accrue financial or in kind benefit from a person's participation in the WIC Program (i.e. by reducing its expenditures for food service because its residents are receiving WIC foods).

MONTANA STATE PLAN & POLICY MANUAL
CHAPTER 5

- Foods provided by the WIC Program are not incorporated into a communal food service, but are available exclusively to the WIC participant for whom they were issued.
- The facility places no constraints on the ability of the participant to partake in the supplemental food and nutrition education available under the WIC Program requirements.
- Local agencies will request a signed statement that the facility meets the criteria in this policy and keep this statement on file for monitoring purposes. See [Homeless Facility Statement](#).

Foster Child:

- In order to serve a foster child, a local WIC clinic will have documentation of the placement of the child in foster care whether the child is in the care of a foster parent, protective services, or child welfare authorities.
- A foster parent is defined as an individual who is assigned temporary custody recognized by state or tribal authority.

Native Americans living on Reservations: No special circumstance.

Adopted Child: No special circumstance.

Alimony/Child Support: No special circumstance.

Emancipated Minor: No special circumstance.

MONTANA STATE PLAN & POLICY MANUAL

CHAPTER 5

V. Income Eligibility

A. Guidelines

WIC Income Guidelines are implemented in conjunction with Medicaid Income Guidelines. Use the following table to determine WIC income eligibility.

If family size (including unborn) is:*	Annual	Monthly	2 x Monthly	Bi- Weekly	Weekly
1	\$20,665	\$1,723	\$862	\$795	\$398
2	\$27,991	\$2,333	\$1,167	\$1,077	\$539
3	\$35,317	\$2,944	\$1,472	\$1,359	\$680
4	\$42,643	\$3,554	\$1,777	\$1,641	\$821
5	\$49,969	\$4,165	\$2,083	\$1,922	\$961
6	\$57,295	\$4,775	\$2,388	\$2,204	\$1,102
7	\$64,621	\$5,386	\$2,693	\$2,486	\$1,243
8	\$71,947	\$5,996	\$2,998	\$2,768	\$1,384
Additional Family Members Add	\$7,326	\$611	\$306	\$282	\$141

WIC Policy Memo #2012-4: Publication of the WIC Income Eligibility Guidelines (IEG) for Fiscal Year 2013

- * *If a pregnant woman does not meet the traditional income standard, her eligibility will be assessed using a household size increased by one, or the number of expected unborn(s) during the pregnancy in question. The unborn(s) will not be added to the household size when a household is income eligible without counting the unborn(s).*
- * *In situations where the household size has been increased for a pregnant woman, the same increased household size will also be used for any of her categorically eligible family members.*
- * *Local WIC clinic staff may not implement this policy in individual cases where increasing a pregnant woman's household size conflicts with cultural, personal or religious beliefs of the applicant/participant.*
- * *When determining household size, students away at college may be counted.*
- * *Joint custody – household determination will be based on caregiver present at time of certification.*

B. Income Determination

1. A household is defined as all persons, related or unrelated, living together in the same dwelling and sharing financial resources and costs, with the exception of foster children.
 - a. It is entirely possible for two separate households to reside under the same roof, although the determination of such is usually not clear cut. These situations should be handled on a case-by-case basis.

2. Income is defined as the gross cash income before deductions for the household (i.e. income taxes, employee's social security taxes, insurance premiums, bonds, etc.) and includes the following:
 - a. Monetary compensation for services, including wages, salary, commissions, or fees
 - b. Net benefits
 - c. Dividends or interest on savings or bonds
 - d. Income from estates, trusts, or net rental income
 - e. Public assistance or welfare payments
 - f. Unemployment compensation
 - g. Pensions, Veteran's payments or annuities
 - h. Alimony or child support payments
 - i. A regular contribution from person's not living in the household
 - j. Net royalties and other cash income including, but not limited to, cash amounts received or withdrawn from any source, including savings, investments, trust accounts and other resources which are readily available to the household
3. All household income will be documented and scanned in the applicant's/participant's folder. Clarify at each certification.
4. Income documentation can be:
 - a. Payroll check stubs minimum of 1 month
 - b. Tax returns
 - c. Adjunctively Eligible programs:
 1. Temporary Assistance for Needy Families (TANF)
 2. Supplemental Nutrition Assistance Program (SNAP, formerly Food Stamps)
 3. Healthy Montana Kids Plus and Medicaid
 4. Food Distribution Program on Indian Reservations (FDPIR)
 5. School Lunch Program (free and reduced price meals)

- d. Award letter from unemployment
 - e. Award letter from Social Security Income
 - f. Lump sum payments when put into a savings account and the household regularly draws from that account for living expenses, the amount withdrawn is counted as income
5. Use either the household's current income or average income over the past 12 months, whichever is the best indicator of the household's current status.
- a. Current income is defined as income received during the month prior to certification or sub-certification.
 - b. For example: A household's current income is above 185% of poverty; however, the average income over the past 12 months is below the 185% of poverty. Therefore, the household is income eligible based on the average income **if the average income is reflective of their current status.** Seasonal or construction workers may meet this situation.
6. Report each household income source separately as a monthly, bi-monthly, bi-weekly, weekly, or hourly wage and the system will calculate the annual amount.
7. Income can be used for other household member certifications for up to 60 days with no further documentation.
- a. The exception to the 60-day income documentation allowance is when an applicant/participant uses a Medicaid card as income documentation. Clinic staff will verify Medicaid adjunctive eligibility for the month of certification/sub-certification.

C. Self-Employment Income

- 1. Self-employed persons i.e. farmers/ranchers; may use last year's income as a basis to project their current year's net income unless the current net income provides a more accurate measure.
 - a. Documentation will be a current income tax form or business books.
- 2. Self-employed persons are credited with net income rather than gross income.
 - a. Net income is determined by subtracting business expenses from gross receipts.
 - b. Gross receipts include the total income from goods sold or services rendered by the business.

- c. Deductible business expenses include the cost of goods purchased, rent, utilities, depreciation charges, wages and salaries paid and business taxes (not personal, federal, state, or local income taxes).
- 3. Net income for self-employed farmers/ranchers is figured by subtracting the operating expenses from gross receipts.
 - a. Gross receipts can also include the value of all products sold, money received from the rental of farm land, buildings or equipment to others; and incidental receipts from the sale of items such as wood, sand or gravel.
 - b. Operating expenses include cost of feed, fertilizer, seed and other farming/ranching supplies, cash wages paid to farm/ranch hands, depreciation charges, cash rent, interest on farm/ranch mortgage, farm building repairs, and farm taxes (but not federal, state or local income taxes).
- 4. For a household with income from wages and self-employment, each amount will be listed separately. If there is a business loss, income from wages will not be reduced by the amount of the business loss.
- 5. If income from self-employment is negative, it will be listed as zero income.
 - a. Complete the [Negative Income Statement](#) and scan it into the applicant's/participant's folder along with supporting documentation (i.e. taxes).

D. Seasonal Income

- 1. Seasonal income is determined by averaging a yearly amount (i.e. if the applicant/participant works five months of the year, the gross amount would be divided by twelve to obtain a monthly average).

E. Zero Income

- 1. A household is defined as all persons, related or unrelated, living together in the same dwelling and sharing financial resources and costs, with the exception of foster children.
 - a. It is entirely possible for two separate households to reside under the same roof, although the determination of such is usually not clear cut. These situations should be handled on a case-by-case basis.

2. Ask the following questions and document responses on the [Zero Income Form](#) for anyone declaring zero income:
 - a. Who pays for housing?
 - b. Who pays for food?
 - c. Who pays for utilities?
3. Anyone with zero income will be referred to all appropriate assistance agencies in the area and that referral will be documented in the applicant's/participant's folder.
4. Local WIC staffs are to scan the Zero Income Form into all applicable household members' folder and issue only one month of benefits. The following month, check the participant's income eligibility again. (They possibly have income, are adjunctively eligible or are now living in a household for which income will be checked).
5. If they continue to have zero income, an additional Zero Income Form will be completed and scanned into the applicant's/participant's folder.

F. Presumptive Eligibility

1. One month proof pending is allowed with proper documentation completed by a qualified presumptive eligibility provider.
 - a. Scan completed documentation into the applicant/participant folder.

G. Adjunctive Eligibility

1. Adjunctive eligibility is defined as automatic income eligibility for applicants/participants who report they are enrolled in a qualifying State or Federal program in Montana.
 - a. Proof will be verified using SIS or proper documentation for the month of application.
 - b. Programs providing adjunctive eligibility include:
 1. Supplemental Nutrition Assistance Program (SNAP – formerly Food Stamps)
 2. Temporary Assistance for Needy Families (TANF)
 3. Healthy Montana Kids Plus and Medicaid
 4. Food Distribution Program on Indian Reservations (FDPIR)
 5. School Lunch Program (free and reduced price meals)

2. Search and Inquiry System (SIS)
 - a. Procedures for WIC clinics to access the SIS are found in the [SIS Quick Guide](#).
 - b. Clinic staff will document the results from the SIS for SNAP, TANF, HMK Plus, and Montana Medicaid as “System Verification.”
 - c. If applying one household member to determine adjunctive eligibility for the entire household, all family member’s state WIC IDs will be entered under this person in SIS.
3. Applicants/participants using adjunctive eligibility do not need to provide additional income proof.
 - a. They do need to self-declare their income status to be recorded as part of the certification process.
4. SNAP or TANF
 - a. If the applicant/participant, or a member of the household, is eligible to receive SNAP or TANF and their current eligibility status is YES, they will be determined income eligible.
 - b. If applying one household member to determine adjunctive eligibility for the entire household, all family member’s state WIC IDs will be entered under this person in SIS.
5. Healthy Montana Kids Plus and/or Montana Medicaid
 - a. If the applicant/participant is a pregnant woman or an infant and they are currently Medicaid eligible, all household members applying for WIC will be determined income eligible.
 - b. If the applicant/participant is a breastfeeding woman or postpartum woman and is verified within 60 days of their delivery date with their Medicaid eligibility status being YES all household members applying for WIC will be determined income eligible.
 1. If the applicant/participant is a breastfeeding woman or postpartum woman and is verified more than 60 days after their delivery date and their current Medicaid eligibility status is YES, only they will be determined income eligible.
 - c. If the applicant/participant is a child and their current Medicaid eligibility status is YES, only they will be determined income eligible.

- d. If applying one household member to determine adjunctive eligibility for the entire household, all family member's state WIC IDs will be entered under this person in SIS.
- 6. Applicants/participants found adjunctively eligible do not lose their WIC eligibility upon cessation of benefits from TANF, SNAP, or HMK Plus/Medicaid. A decision about the applicant's/participant's continuing WIC eligibility will be based upon a reassessment of the household size and income.

H. Income Not Counted

- 1. Income not to be reported or counted in the determination of a household's eligibility includes:
 - a. Any cash income or value of benefits a household receives from any Federal program that excludes such income by legislative prohibition, such as the value of SNAP benefits.
 - b. Any subsidy a household receives through the prescription drug discount card program.
 - c. Student financial assistance, such as grants and scholarships, provided for the costs of attendance at an educational institution received from any program funded in whole or part under Title IV of the Higher Education Act of 1965.
 - 1. Pell Grant
 - 2. Supplemental Educational Opportunity Grant
 - 3. State Student Incentive Grants
 - 4. National Direct Student Loan
 - 5. PLUS – Parent Loan for Undergraduate Students
 - 6. College Work Study
 - 7. Byrd Honor Scholarship
 - d. Loans, such as bank loans or private student loans, since these funds are only temporarily available and must be repaid.
 - e. Income received under the National Flood Insurance Program (NFIP).
 - f. Funds the Department of Defense is providing to certain members of the Armed Forces and their household through the Family Subsistence Supplemental Allowance (FSSA).

MONTANA STATE PLAN & POLICY MANUAL
CHAPTER 5

- g. The value of in-kind compensation, such as military on-base housing, or any other non-cash benefit. (Military cash housing is not counted as income, but other military benefits received in cash, such as food or clothing allowances are).
- h. Occasional earnings received on an irregular basis (i.e. not reoccurring, such as payment for occasional babysitting or mowing lawns).
- i. If overtime is regularly relied upon it will be counted as income. If it is infrequent it does not count.
- j. Earned Income Tax Credit funds received by a member of the household, whether received throughout the year or as a lump sum.
- k. Large cash settlements (i.e. funds provided as compensation for a loss that must be replaced, payment from an insurance company for fire damage to a house).

Special Income Circumstances:

Military:

- Income to be included/excluded – See Attachment [Passport to Military Income](#).
 - In temporary care
 - Local WIC staffs may be confronted with household composition changes in which military family members are deployed overseas or are temporarily absent from the home. This may cause military dependents to be in the temporary care of friends or relatives. The most important rule to apply to all applicants, including minors, is that this particular household will have its own source of income.
 - Situation 1: Count the absent parent(s) and the child(ren) together as the household and use parent(s) income.
 - Situation 2: Count the child(ren) and/or remaining parent as its own household. This household would have its own source of income (i.e. the dependent's allotment and/or at home parent's income). If this income is not able to sustain the household and the household is living with other relatives or friends please use Situation 3.
 - Situation 3: Consider the child(ren) to be part of the household in which the person(s) are residing (i.e. grandparents).

Migrant Worker:

- Income verification located on a VOC can be used to satisfy the income requirement, even if the VOC is expired, as long as the income verification was performed in the last 12 months.
 - In the instance of an expired VOC, a certification would need to be completed.

Homeless/Institutions:

- Income documentation is not required in homeless situations where obtaining documentation would present an unreasonable barrier to service. Homeless individuals can self-declare their income if accompanied by a signed statement of explanation.
- A household is defined as all persons, related or unrelated, living together in the same dwelling and sharing financial resources and costs, with the exception of foster children. It is entirely possible for two separate households to reside under the same roof, although the determination of such is usually not clear cut. These situations should be handled on a case-by-case basis.

Foster Child:

- A foster child is a household of one and the income determination is based solely on the foster child's income.
 - Income includes funds provided by the Human Services Agency which are specifically identified by category for the personal use of the child.
 - Other funds received by the child, such as money which may be provided by the child's family will be counted as income.
- A foster child is not included in the foster parents' household nor is income received for the foster child's care counted in the foster parents' household income.
- If a foster child is returned to his/her birth family, an income eligibility evaluation will be completed based on the household income.

Native Americans living on Reservations:

- A "Native American household" is defined as a household containing at least one enrolled tribal member.
- Documentation of the household member's enrollment will be scanned into the applicant's/participant's folder.
- Applicants/participants using tribal enrollment as income verification may self-declare their income.
- Each Reservation WIC Program will verify income eligibility of any Native American applicant/participant and record the correct income amount.
- Failure to present affiliate tribal ID will require applicant/participant to present standard income documentation.

Students: No special circumstances.

Adopted Child:

- When a child has been placed in a permanent home, the child is considered a member of that household.
- If child's adoption is pending, the child is still considered a member of that household.

Alimony/Child Support:

- Any money received by a household in the form of alimony or child support is considered as income to the receiving household.
- Any money paid out for alimony or child support may not be deducted from that household's reported gross income.

Emancipated Minor:

- A minor living alone and without economic support from other persons or living with relatives or friends but as a separate household is considered to be a household of one.
- If the household is one household (all persons living together in the same dwelling and sharing financial resources and costs) all income and household members will be included to determine income eligibility.

V. Nutrition Eligibility Determination

- A. The Competent Professional Authority, CPA, evaluates and analyzes the applicant's nutrition and medical information and identifies nutrition risks.
- B. Category appropriate VENA questions will be completed with the participant or parent/guardian and evaluated by the CPA.
- C. Infant/child growth grids and women's prenatal weight gain grids will be assessed and reviewed with the participant or parent/guardian.
- D. Hematological testing will be conducted and recorded as categorically appropriate.
- E. The CPA will assign the participant a priority and inform the participant or parent/guardian of the nutrition risk(s) which qualify her/him for the program.
 - 1. All applicants will be assigned at least one nutrition risk to be eligible to receive WIC benefits.
- F. Once eligibility has been determined, a nutrition care plan will be developed and initial nutrition education contact will be provided.